IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4660 OF 2007

Hanumant Adinath Banate .. Petitioner.

V/s.

1. State of Maharashtra & Ors. .. Respondents.

Mr.R.K.Mandadkar for the Petitioner.

Mr.V.P.Malwankar, AGP for the Respondents.

CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.

DATED : 19th JUNE, 2007.

P.C. :- (Per R.M.Savant,J)

. This petition filed under Article 226 of the Constitution of India impugns the order dated 3rd of May, 2007 passed by the Caste Scrutiny Committee, invalidating the caste certificate of the petitioner as belonging to the Mahadeo Koli, Scheduled tribe.

2. The petitioner was granted caste certificate as belonging to Mahadeo Koli by the competent authority. The petitioner on the basis of the said caste certificate secured the post of Gram Sevak in a reserved post meant for schedule tribe on 29.01.2000. The

petitioner's caste certificate was referred to the respondent No.2 committee for verification. On such proceedings being commenced, the petitioner produced a host of documents in support of his claim. As mandated by the law laid down in Madhuri Patil's case, an home and school inquiry was conducted by the vigilance cell. The enquiry officer obtained the birth extract of one Genu Bhimaji, to whom a female child was born on 15.8.1938 and the caste was shown in the birth record as Koli. The said extract is in respect of the petitioner's paternal aunt. The enquiry officer obtained the school information about the paternal relatives, namely, petitioner's cousin brothers; whose caste entry was shown as Hindu Koli Mahadev and in respect of whom the enquiry officer has reported that word Mahadev is written newly after Hi. Koli in different ink and different handwriting. The said information is in respect of one Prakash Vitthal Koli, Kantila Vithal Koli, Suresh Vitthal Banate and Santosh Vishwanath Koli.

3. Insofar as the petitioner's caste certificate is concerned and the authenticity thereof, the Tahsildar, North Solapur vide letter dated 21.7.2006 communicated that the caste certificate No. SR No. 448 dated 26.07.1993 is not registered in their office record and

hence it is not issued by their office to the petitioner. Therefore, the authenticity of the caste certificate issued to the petitioner is in grave doubt. In view of the fact that the caste entry in respect of the elderly paternal relatives, is that of Koli and also in view of the fact that the authenticity and genuineness of the caste certificate was in grave doubt as also on the ground that the petitioner has failed in the affinity test, the Caste Scrutiny Committee came to a conclusion that the petitioner has not substantiated his claim as belonging to Mahadeo Koli, Scheduled tribe.

4. The petitioner sought to rely upon two validity certificates granted to his relations. Admittedly the said certificates are not those of his siblings but of some distant relations. It is trite that every applicant is to stand on his own legs and prove his caste claim and merely because a validity certificate has been issued to some distant relations, it cannot be accepted that the applicant belongs to same caste or tribes. In any event, the Committee, inspite of the said two certificates came to a conclusion that the said validity certificates were obtained by suppressing the facts.

5. In the teeth of the findings of the committee

arrived at on the basis of the documentary evidence and the affinity test, we are of the view that no interference is called for with the said findings of the committee and consequently, no case for interference under Article 226 of the Constitution of India is made out. The petition is, therefore, summarily dismissed.

(F.I.REBELLO,J.)

(R.M.SAVANT,J.)

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